

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

NORTH JERSEY BRAIN & SPINE  
CENTER,

Plaintiff,

v.

AETNA LIFE INSURANCE COMPANY,

Defendant.

No. \_\_\_\_\_

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**NOTICE OF REMOVAL**

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**PLEASE TAKE NOTICE** that, on the date set forth below, Defendant Aetna Life Insurance Company (“Aetna”), by and through its undersigned counsel and pursuant to 28 U.S.C. §§ 1441 and 1446, hereby removes this action, styled *North Jersey Brain & Spine Center v. Aetna Life Insurance Company*, Dkt. No. BER-L-5511-17, from the Superior Court of New Jersey, Bergen County, to the United States District Court for the District of New Jersey. The procedural history and grounds for removal are as follows:

**INTRODUCTION**

1. On or about August 15, 2017, Plaintiff North Jersey Brain & Spine Center (“NJBSC”) initiated a civil action against Aetna by filing a Complaint in

New Jersey state court. A copy of that Complaint, the accompanying summons, and the docket report is attached hereto as Exhibit 1. NJBSC contends, *inter alia*, that it provided medical services to a patient covered by a health benefits plan sponsored by Aetna. (Compl. ¶¶ 4–7.) NJBSC further alleges that Aetna failed to pay it enough for the medical services allegedly provided to this patient. (Compl. ¶¶ 12–16.)

### **GROUND FOR REMOVAL**

2. Aetna removes this case because the parties are completely diverse and the amount in controversy exceeds the jurisdictional threshold. Thus, this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332.

3. Plaintiff NJBSC is a New Jersey company based in Bergen County, New Jersey. (*See* Ex.1, Compl. ¶ 1; Ex. 2, New Jersey Company Search Results for North Jersey Brain & Spine Center.)

4. Aetna Life Insurance Company is a Connecticut corporation with its principal place of business also located in Hartford, Connecticut. (*See* Ex. 3, Pennsylvania Company Search Results for Aetna Inc.).

5. Because Plaintiff is a citizen of New Jersey and Aetna is a citizen of Connecticut, the parties are completely diverse.

6. Further, NJBSC contends that Aetna did not pay it enough for medical claims it submitted for payment following the alleged treatment of one of NJBSC's

patients. (Compl. ¶ 12.) NJBSC seeks to recover, *inter alia*, the amount it charged for the medical services allegedly provided to the patient at issue. (*Id.* at *ad damnum* clause.)

7. The amount in controversy, as alleged, is in excess of \$113,000.00. (Compl. ¶ 7.) This exceeds the jurisdictional threshold set forth in 28 U.S.C. § 1332.

8. Both requirements for jurisdiction under 28 U.S.C. § 1332—complete diversity and the requisite amount in controversy—are thus satisfied in this case.

### **TIMELINESS OF REMOVAL**

9. NJBSC filed the Complaint on August 15, 2017, and served it no earlier than January 11, 2018.

10. Aetna files this Notice of Removal within the timeframe prescribed by 28 U.S.C. § 1446(b)(1).

### **VENUE**

11. Plaintiff's action was pending in the Superior Court of New Jersey, Law Division, Bergen County, New Jersey, which is within this judicial district. *See* 28 U.S.C. ¶ 110. This Court is thus the proper venue for removal under 28 U.S.C. § 1441(a) & 1445(a).

**NOTICE**

12. Pursuant to 28 U.S.C. 1446(d), written notice of the filing of this Notice of Removal will be provided to NJBSC and a copy of this Notice of Removal will be filed with the Clerk of the Superior Court of New Jersey, Bergen County, Law Division, in the form attached as Exhibit 4.

Respectfully submitted,

/s/ Gregory S. Voshell  
Gregory S. Voshell  
Lynne N. Kolodinsky  
ELLIOTT GREENLEAF, P.C.  
925 Harvest Drive, Suite 300  
Blue Bell, PA 19422

DATE: February 12, 2018

*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I, Gregory S. Voshell, hereby certify that a true and correct copy of the attached NOTICE OF REMOVAL was served via regular mail and electronic mail on this 12th day of February, 2018, upon the following:

Eric D. Katz, Esq.  
Mazie Slater Katz & Freeman, LLC  
103 Eisenhower Parkway  
Roseland, NJ 07068  
*Attorney for Plaintiff*

/s/ Gregory S. Voshell  
Gregory S. Voshell